

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY V. CAIBY,

Plaintiff

v.

WARDEN GARY HAIDLE, DEPUTY
WARDEN JOSEPH MCCOY,
JANE/JOHN DOE,

Defendants

Civil No. 3:18-cv-1120

(Judge Mariani)

FILED
SCRANTON

MAR 19 2020

PER

DEPUTY CLERK

ORDER

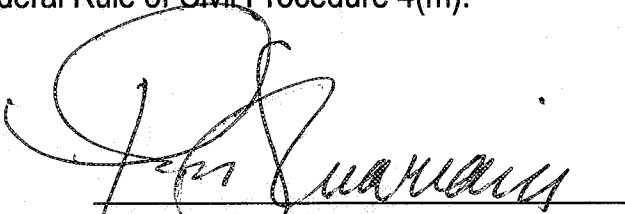
AND NOW, this 19th day of March, 2020, upon consideration of the Mandate of the United States Court of Appeals for the Third Circuit, *see Caiby v. Haidle, et al.*, No. 18-2396 (3d Cir.), vacating this Court's June 8, 2018 Order (Doc. 10), and remanding the matter for further proceedings, **IT IS HEREBY ORDERED THAT:**

1. The Clerk of Court is directed to **MARK** the Court's June 8, 2018 Order (Doc. 10) vacated.
2. The Clerk of Court is directed to **REOPEN** the above-captioned action.
3. Plaintiff's motion (Doc. 35) for relief from judgment is **DISMISSED** as moot.
4. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
5. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:

- a. The average monthly deposits in the inmate's prison account for the past six months, or
- b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

6. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
7. The complaint is **DEEMED** filed.
8. In accordance with Federal Rule of Civil Procedure 4(c)(3), the Clerk of Court is directed to **SERVE** a copy of the complaint (Doc. 1), notice of lawsuit and request to waive service of summons (form AO 398), waiver of the service of summons (form AO 399), and this Order on the named Defendants. In the interests of efficient administrative judicial economy, the Court requests that Defendants waive service pursuant to Federal Rule of Civil Procedure 4(d).
9. If service is unable to be completed due to Plaintiff's failure to properly name the Defendant(s), or provide an accurate mailing address for the Defendant(s), Plaintiff will be required to correct this deficiency. Failure to comply may result in the dismissal of Plaintiff's claims against the Defendant(s) pursuant to Federal Rule of Civil Procedure 4(m).


Robert D. Mariani
United States District Judge